

**UNITED STATES DISTRICT COURT FOR THE  
WESTERN DISTRICT OF PENNSYLVANIA**

**DIXON,**

**Plaintiff,**

**v.**

**SMITH,**

**Defendant.**

**Civil Action No. 16-170**

**ORDER ADOPTING THE REPORT AND  
RECOMMENDATION**

The Magistrate Judge issued a Report and Recommendation in this matter (Dkt. No. 4), recommending that this case be dismissed for failure to prosecute. Specifically, on July 5, 2016, the Clerk of Courts received a *pro se* civil rights complaint from Plaintiff; however, the Complaint was not accompanied by either the required filing fee or a motion to proceed *in forma pauperis*. As a result, the Magistrate Judge issued a Show Cause Order, dated July 13, 2016, directing Plaintiff to either pay the \$400.00 filing fee to the Clerk of Courts or file a motion to proceed *in forma pauperis*, on or before August 2, 2016, or suffer dismissal of this case for failure to prosecute. Dkt. No. 2. To date, Plaintiff has failed to comply with the Magistrate Judge's Order. After reviewing the Report and Recommendation, the record, and all other materials before the Court, and no objection being filed, it is hereby ordered that:

- (1) The Report and Recommendation is ADOPTED;
- (2) The case is dismissed; and

(3) The Clerk of the Court shall send copies of this Order to Plaintiff.

**IT IS SO ORDERED.**

DATED this 1st day of November, 2016.

Handwritten signature of Barbara J. Rothstein in cursive script.

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BARBARA J. ROTHSTEIN  
UNITED STATES DISTRICT JUDGE